

Florida Keys National Marine Sanctuary Advisory Council

October 21, 2003

Harvey Government Center, Key West

FINAL MINUTES

Members Present:

Jack Curlett	Duncan Mathewson
Fran Decker	Martin Moe
Greg DiDomenico	Ken Nedimyer
Todd Firm	George Neugent
Richard Grathwohl	Bruce Popham
David Hawtof	Anita Schwessinger
Don Kincaid	Deborah Shaw
Mark Klingbeil	Brad Simonds
Nancy Klingener	

Alternates Present:

Jerome Lorenz
Jody Thomas

Call to Order/Introductions

Chair Neugent called the meeting to order at 12:32 p.m.

Approval of Minutes/Adoption of Agenda

The Minutes of the August 19, 2003 meeting were approved as presented. The Agenda was modified to include a discussion of invasive exotics in the marine environment and was adopted as modified.

Sanctuary Superintendent's Report – Billy Causey (FKNMS)

Mr. Causey presented the attached report. He invited Duncan Mathewson to comment on the raising of a gun from a cluster of thirteen guns near Carysfort. Mr. Mathewson said that after conservation at the Mel Fisher Maritime Museum the 18th century British gun will be displayed on a custom built carriage at the Key Largo Visitor's Center.

Florida Department of Environmental Protection Report – Anne McCarthy (FDEP)

Ms. McCarthy offered Kacky Andrews' apologies for absence and read from a letter from Ms. Andrews to the Council concerning issues raised about Piney Point. She said that Florida DEP has filed for notice of a proposed rule development to strengthen the financial assurances of the phosphogypsum industry. She addressed other resolutions in the letter which will be sent to individual Council members shortly. Ms. McCarthy stated that DEP intends to apply for an extension of the EPA permit allowing the disbursement of treated waste water into the Gulf of Mexico which expires at the end of November. She reported that the last meeting of the Large Vessel Working Group will be in January, 2004. She referred to the meeting with the Governor and Cabinet on September 18, 2003

at which he accepted the Sixth Annual Report on the Sanctuary. In restoration news, the Sanctuary has been working with the Florida Parks Service to bring their vessel grounding regulations in line with FKNMS so that groundings can now be treated as civil rather than criminal cases. A case is being developed by Sanctuary law enforcement concerning the dumping of 12 cubic yards of concrete on a patch reef off Marathon.

Questions from Council members concerned the destination of by-products from reverse osmosis treatment at Piney Point, the net gain in water at Piney Point since the beginning of the rainy season and the identity of those responsible for dumping concrete.

Florida Fish and Wildlife Conservation Commission Report – John Hunt (FMRI)

Mr. Hunt distributed the Draft Agenda for the FWC meeting at Hawk’s Cay from November 19-21. He noted that items of interest to the Keys are on Thursday. Mr. Hunt said that the Commission is undergoing extensive internal reorganization that will require legislative approval. A number of stakeholder meetings are being held.

Mr. Causey added that there will be a social event for commissioners, Commission staff and Council members the evening of November 19 at Hawk’s Cay, sponsored by Sanctuary Friends of the Florida Keys.

Sanctuary Law Enforcement Report – CAPT Jayson Horadam (FWC)

Captain Horadam referred to the concrete dumping case which is under investigation. He said that the Sanctuary is waiting for one more Academy graduate for the force to be complete. At a National Marine Sanctuary Program meeting that he attended in Washington, D.C. it was considered that FKNMS has the best law enforcement program in the country. He released some statistics for the past year.

Captain Horadam, Mr. Causey and Chair Neugent presented Lieutenant John Murphy of Florida Fish and Wildlife Conservation Commission a plaque for outstanding contributions to Sanctuary law enforcement efforts for 2003. LT Murphy has flown for the agency for the past 18 years looking for resource violations and groundings.

Questions for CAPT Horadam concerned the role of FWC officers in special operations groups; he leads the groups in Monroe and Collier Counties. Special operations groups will be providing air and water cover in Miami for the Free Trade Agreement meeting. Grounding statistics were discussed, with 50% of boaters involved coming from out-of-state.

South Florida Ecosystem Restoration Outreach – Alessandra Score (Sea Grant/NOAA)

Ms. Score gave the attached PowerPoint presentation concerning an outreach program aimed at dispelling some public misperceptions about restoration efforts that will be funded over the next two years by South Florida Water Management District. She mentioned a Florida Keys Tidal Restoration Project meeting in Marathon in the evening.

Discussion concerned the importance of informing the public, scheduling conflicts with other Comprehensive Everglades Restoration Project meetings and the importance of including Florida Bay and the Florida Keys in the wider ecosystem picture. Ms. Score clarified that after the two year position ends there will still be NOAA participation through the Steering Committee.

Socioeconomic Monitoring of Commercial Fisheries in the Florida Keys National Marine Sanctuary (FKNMS): Major findings from the first four years:1997-2000 – Manoj Shivlani (University of Miami)

Mr. Shivlani gave the attached PowerPoint presentation. He described the methods and results of a study designed to show the impact of establishing ecological reserves in the Sanctuary on fishers who had previously used those areas for their livelihood. Some of the decreases in harvest totals and net earnings can be attributed to non-Sanctuary factors, such as Hurricane Georges and an overall decline in the spiny lobster fishery. Attitudes and perceptions about ecological reserves are almost constant, with a majority belief that the Sanctuary does not benefit commercial fishers.

Discussion concerned the negative economic impacts experienced by commercial fishers just after the establishment of the Tortugas Ecological Reserve.

Public Comment

Tom Stroh of the catamaran “Echo” expressed concern with companies that advertise “Swim with the dolphins” programs aimed at tourists. He said that the benefit of wild dolphin trips is to observe but not disturb and that honest operators are losing business to these advertisers, who should not be advertising that tourists will be able to swim with wild dolphins.

Captain Kevin Cannon of the Islamorada Charter Boat Association thanked the Council for their attention to the matter of hairhooking in SPAs.

Captain Rob Dixon of the Islamorada Charter Boat Association also thanked the Council for their time and effort working with Captain Steve Leopold to allow charter boat captains to hairhook for ballyhoo during the sailfish season. It will save a lot of time and aggravation on the bait patch.

Captain Steve Leopold of the Islamorada Charter Boat Association thanked the Council and Sanctuary staff for listening to their needs, and especially thanked Working Group Chair, Ken Nedimyer for miles driven, e-mails sent and time spent. He said that regardless of the decision taken the Association will continue to work with the Sanctuary to protect the waters.

Biscayne National Park Fisheries Management Plan Review – Rick Clark and Todd Kellison – (BISC)

Mr. Clark said that Biscayne National Park, established as a monument in 1956, was expanded in 1980 and is headquartered in Homestead. It was established to protect coral reef and supporting habitats and is contiguous with the Sanctuary. In the last decade, fish

stocks have declined. He said that fisheries management necessitates managing stock as one biological unit with the Sanctuary, not only with the State, that has jurisdiction over our fisheries.

Dr. Kellison gave the attached PowerPoint presentation detailing the route taken to arrive at a number of alternatives. He requested that the Sanctuary Advisory Council form a Working Group to make recommendations to the FWC on a preferred alternative for the Fisheries Management Plan, as required under NEPA. The administrative burden to be borne by the Park.

Considerable discussion followed, concerning the composition of the group, the workload, the scientifically documented evidence for over-fishing in the Park and regulatory issues.

Mr. Nedimyer moved that the Florida Keys National Marine Sanctuary Advisory Council recommend Sanctuary managers establish an Advisory Council Working Group to assist BISC with their efforts to establish a fishery management plan consistent with the discussions held at this meeting. Seconded by Dr. Shaw, it passed unanimously upon voice vote.

Ballyhoo Working Group Report and Recommendations – Chair, Ken Nedimyer (SAC)

Mr. Nedimyer presented the attached recommendations for discussion. After input from all members of the Working Group in support of the recommendations, LT Bill Burns stated for law enforcement that most of the officers were against this ruling.

Chair Neugent entertained Mr. Nedimyer's motion to accept Phase I. Brad Simonds seconded the motion. Discussion among members concerned whether Phase I should be one year or two, whether ecological impacts of removing baitfish from SPAs are being regarded and the importance of maintaining logbooks. Bruce Popham added a Friendly Amendment to include the display of flags and stickers on boats to aid law enforcement., accepted by Mr. Nedimyer. Mr. Causey clarified that it is relatively easy to implement Phase I but that Phase II could take two or more years and conditions can be put in the permit. Upon roll call vote the motion passed with a majority of 13 in favor and 3 opposed.

Wild Mammal Viewing Protocols – Ali Hudon (NOAA Fisheries)

Ms. Hudon presented the attached PowerPoint concerning a designation program that will give responsible dolphin tour operators a competitive edge in the tourism market.

Discussion concerned whether the number of operators should be capped, and whether this is an activity that should be permitted by the Sanctuary.

Navy Dredging Project in Key West Harbor and Shipping Channel – CAPT Jim Scholl (Navy), James Hudgens (CZR Associates), Glen Schuster (U.S. Army Corps of Engineers)

Captain Scholl gave the attached PowerPoint presentation, and with the use of extensive maps, described the Navy dredging proposal and disposition plan for dredged materials to return the Harbor to the original dredged depth of 34 feet at mean low water.

Questions for Mr. Schuster concerned monitoring for turbidity, public availability of data and concerns that this will not solve the turbidity problem in the Harbor. He clarified that toxicity tests have yielded nothing more than traces of the extensive array of elements tested, and that Key West Harbor contains arsenic at a background level for Florida.

Unfinished Business

It was agreed to put invasive exotics and ballast water on a future agenda.

Idle-Speed Zone Proposal – Richard Grathwohl (Marathon Guides)

Mr. Grathwohl said that Marathon Guides have accepted that the proposed No Motor Zone instead be an Idle Speed Zone, and they will be at the Marathon Nearshore Waters Meeting tomorrow. He said that Boot Key is back on the agenda since it is going to be Idle Speed.

Adjourned 6:02 p.m.